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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,595	03/14/2000	Asawaree P. Kalavade	5	7955
26291	7590	02/20/2004	EXAMINER	
MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE FIRST FLOOR SHREWSBURY, NJ 07702			DINH, KHANH Q	
		ART UNIT	PAPER NUMBER	
		2151	13	
DATE MAILED: 02/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)
	09/525,595	KALAVADE, ASAWAREE P.
	Examiner Khanh Dinh	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-40 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-40 and 42-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. This is in response to the Request for Continued Examination (paper # 10) and Amend D (paper # 12) filed on 11/19/2003. Claims 2-40, 42-46 and new claims 47-48 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-40 and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sicher et al US pat. No.6,385,195 in view of Fitch et al., US pat. No.6,647,389.

As to claim 2, Sicher discloses a method for accepting streamed media packets sent from a content provider and converting it to a pulse code modulate signal stream comprising:

receiving, via a first interface (14 fig.2), a request for a specified media content available from said content provider (see abstract, col.3 line 14-58 and col.4 line 47 to col.5 line 20).

establishing, responsive to receipt of said request, a session with said content provider to receive said streamed media packets corresponding to said specified media content, said stream media packets being encoded media packets associated with one of a

Art Unit: 2155

plurality of encoded media formats and transcoding said streamed media packets to form a PCM signal stream corresponding to said specified media content, (see co1.5 line 21 to col.6 line 61).

launching said PCM signal stream onto a network operable to convey said PCM signal stream (see fig.3, co1.6 line 27 to co1.7 line 67).

Sicher does not specifically disclose a specified media content comprising at least one of live and archived media content. However, Fitch discloses a media content comprising at least one of live and archived media content (see figs.1A-D, 6, col.4 line 4 to col.5 line 50 and col.10 lines 3-65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Fitch's teaching into the computer system of Sicher to provide various media streams because it would have periodically provided various media streams and identified various characteristics of each stream on the network (see Fitch's col.2 lines 24-63).

As to claims 3 and 4, Sicher discloses launching step is performed over a circuit-switched line interface and signal stream from said network using a client device (see co1.6 line 27 to co1.7 line 61 and col.8 lines 27-61).

As to claims 5-7, Sicher discloses client device is a telephone, a wireless device or a cellular phone (see col.14 line 33 to co1.5 line 55).

As to claims 8-11, Sicher discloses said network is a circuit-switched network, a wired telephony network, wireless telephony network and a cellular network (see col.4 lines 32-55).

As to claims 12-14, Sicher discloses said cellular network is CDMA, TDMA and GSM network (see col.4 line 33 to col.5 line 55).

As to claims 15 and 16, Sicher discloses said specified media content is audio content and video content (see col.4 line 33 to col.5 line 55).

As to claims 17-20, Sicher discloses said specified media content is streaming text content, IP packets, via an Internet interface and an Internet content provider (see col.4 line 33 to col.5 line 55 and col.8 lines 27-61).

Claims 21-40 are rejected for the same reasons set forth in claims 1-20 respectively.

As to claims 42 and 43, Sicher discloses said PCM signal stream is launched over said circuit switched line interface for delivery to said client user via said circuit-switched network and to a plurality of client users (see col.4 line 33 to col.5 line 55 and col.7 line 48 to col.8 line 45).

Claim 44 is rejected for the same reasons set forth in claim 1. As to the added limitations, Sicher further discloses a service control module (18 fig. 1) coupled with said circuit-switched line interface, said service control module operable to solicit, accept and process said requests from a client user over a circuit-switched network and a session

control module and coupled to an interface to the internet (13 fig.I) (see fig., col.4 line 47 to col.5 line 65 and col.7 line 48 to col.8 line 45) and a PCM signal stream is cell casted to said plurality of client users (see col.4 line 33 to col.5 line 55 and col.6 line 28 to col.7 line 47).

As to claims 45 and 46, Sicher further discloses converting said request by utilizing an audio session gateway protocol into a format recognizable by said content provider and cell casting said PCM signal stream over a plurality of circuit-switched connections (see col.4 line 33 to col.5 line 55 and col.6 line 28 to col.7 line 47).

As to claims 47-48, Fitch further discloses encoded formats comprising of one of MP3, Windows Media and RealAudio (MP3, col.1 lines 19-48). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement MP3 format into the computer system of Sicher because it would have allowed digital communication between a server computer and a client computer using a wide choice of network protocols (see col.1 lines 19-48).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 2-40 and 42-48 have been considered but are moot in view of the new ground(s) of rejection.

***Other prior art cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Crow et al. US apt. No.6,262,724.*

**Conclusion**

5. Claims 2-40 and 42-48 are rejected.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 305-4792. The fax phone number for this group is (703) 872-9306.

*A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to response within the period for response will cause the application to become abandoned (35 U.S.C. SeSect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh  
Patent Examiner  
Art Unit 2155  
2/6/2004



ARIOT ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100